natural consequences of which were to cause damage to the plaintiffs' business reputation, and there is obviously no justification. All the essential elements of tort liability are present, therefore, although it is difficult to bring the action within any existing classification. *Rice* v. *Coolidge*, 121 Mass. 393.

TORTS — LIABILITY OF A MAKER OR VENDOR OF A CHATTEL TO THIRD PERSONS INJURED BY ITS USE — NATURE AND GROUNDS OF LIABILITY — The defendant negligently allowed some poisonous matter to get into some meat which it was canning. The plaintiff bought some of this meat from a third party relying on the defendant's representations as to the purity of its products. Because the plaintiff served this bad meat to a customer his trade was injured. A demurrer to a declaration alleging these facts was sustained by the lower court. *Held*, that such ruling is error, as there was an implied warranty to all subvendees that the goods were fit. *Mazetti* v. *Armour & Co.*, 135 Pac. 633 (Wash.).

It is well settled that a warranty only runs to the warrantor's immediate vendee. *Prater* v. *Campbell*, 110 Ky. 23, 60 S. W. 918; *Post* v. *Burnham*, 83 Fed. 79; but see *Childs* v. *O'Donnell*, 84 Mich. 533, 538, 47 N. W. 1108, 1109. This strict rule as to warranties has doubtless influenced courts that have held that a vendor should not be liable in tort in cases where there is no privity of contract between the parties. The latter conclusion is clearly unsound. But courts should not go to the other extreme and hold manufacturers absolutely liable to all persons for injuries from their products. The defendant in the principal case would be liable for negligence, indeed, on principle and by the weight of authority. *Tomlinson* v. *Armour & Co.*, 75 N. J. L. 748, 70 Atl. 314; *Ketterer* v. *Armour & Co.*, 200 Fed. 322. *Contra*, *Nelson* v. *Armour Packing Co.*, 76 Ark. 352, 90 S. W. 288. Furthermore, there is a liability imposed in many states on one who makes an honest misrepresentation, in favor of one who justifiably has relied thereon, provided the former had better means of knowledge as to the truth of the statements than the party injured. *Goodale* v. *Middaugh*, 8 Colo. App. 223; *Kellogg* v. *Holm*, 82 Minn. 416, 85 N. W. 159. *Contra*, *Sims* v. *Eiland*, 57 Miss. 83. See 24 HARV. L. REV. 415, 427 *et seq.* Generally, in cases similar to the principal case, it would be difficult to prove actual reliance on express statements, such as advertisements. But as the plaintiff has alleged such reliance it would seem that on demurrer he could recover for the damage resulting therefrom. *Blood Balm Co.* v. *Cooper*, 83 Ga. 457, 10 S. E. 118. *Cf. Roberts* v. *Anheuser-Busch Brewing Ass'n*, 211 Mass. 449, 98 N. E. 95.

TRIAL — PROVINCE OF COURT AND JURY — RIGHT OF APPELLATE COURTS TO DIRECT A JUDGMENT NOTWITHSTANDING VERDICT. — The defendant at the trial of the present action requested a directed verdict which, upon the evidence presented, should have been given. The request was refused, however, and the jury found a verdict for the plaintiff. A Massachusetts statute provides that the Supreme Court under such circumstances may direct the entry of a judgment for the party in whose favor a verdict should have been directed below. The defendant, excepting to the ruling of the lower court, requested that this be done. *Held*, that the court will direct that judgment be entered for the defendant. *Bothwell* v. *Boston Elevated Ry. Co.*, 102 N. E. 665 (Mass.).

The United States Supreme Court recently denied the right to direct the entry of a similar judgment on the ground that the plaintiff's constitutional right to trial by jury required a new trial. *Slocum* v. *N. Y. Life Ins. Co.*, 228 U. S. 364, 33 Sup. Ct. 523. See article on this question by J. S. Thorndike in 26 HARV. L. REV. 732. The practical inconvenience of such a decision is obvious. The parties must undergo the annoyance and expense of a new trial though the evidence warrants only a directed verdict, and though the